

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHEN W. BARTON,

CASE NO. 3:21-cv-05610-DGE

Plaintiff,

ORDER DENYING MOTION FOR
CONTEMPT AND MOTION FOR
RELIEF FROM A DEADLINE
(DKT. NO. 493.)

V.

JOE DELFGAUW et al.,

Defendant.

Before the Court is Plaintiff's "Motion for Contempt and Motion for Relief from a Deadline." (Dkt. No. 493.) Previously, this Court ordered Defendants to re-produce interrogatory responses because Defendant Delfgauw's signature failed to comply with Federal Rule of Civil Procedure 33(b)(3). (Dkt. No. 491.) Plaintiff now alleges that in re-producing the interrogatories, Defendants changed the docket citations in the document, and the new citations do not correspond to any part of the record in this case. (*See* Dkt. No. 493.) He seeks an order holding Defendants in contempt, asks the Court to conduct an in-camera inspection of Defendants' emails and issue sanctions, and further asks for relief from the deadline to file a

1 motion for summary judgment. (*See id.* at 4–5.) That deadline has since passed, and Plaintiff
2 filed his motion. (*See* Dkt. No. 497.) Defendants respond that they did not alter the citations and
3 allege that Plaintiff did so himself. (*See* Dkt. No. 499 at 1.) They assert that the new citations
4 correspond to documents produced in a parallel state case. (*Id.* at 2.) Defendants produced
5 discovery from the state case, with bates stamps corresponding to the citations in the
6 interrogatory response that Plaintiff took issue with. (*Compare* Dkt. No. 500-3 with Dkt. No.
7 493 at 4.)

8 The Court DENIES the motion for contempt and DENIES as moot the motion for relief
9 from a deadline. The Court does not believe that further investigation of this matter is warranted.
10 Plaintiff ultimately received a properly signed interrogatory response, with citations to
11 identifiable documents. It would only further delay resolution of this case and waste resources to
12 hold a mini-trial investigating the provenance of the interrogatory responses, with no clear need
13 or benefit to doing so.

14 For the foregoing reasons, the motion is DENIED, each side to bear its own costs.
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16 Dated this 24th day of July, 2025.

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David G. Estudillo
United States District Judge